

**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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HONOLULU, HAWAII 96809

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COMMISSION ON WATER RESOURCE MANAGEMENT

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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

REF:OCCL:TM

CDUA: MA-3771

Acceptance Date: August 1, 2016

180-Day Exp. Date: January 28, 2017

Jordan E. Hart, President  
Chris Hart & Partners  
115 N. Market Street  
Wailuku, HI 96793-1717

**AUG - 8 2016**

Dear Mr. Hart:

**NOTICE OF ACCEPTANCE AND ENVIRONMENTAL DETERMINATION**

Conservation District Use Application (CDUA) MA-3771

**(Departmental Permit)**

This acknowledges the receipt and acceptance for the processing of your client, William E. Engel's After the Fact CDUA for an existing driveway and rock wall and recent improvements consisting of a parallel rock wall and gate located at 6501 Hono-a-Pi'ilani Hwy., Honolulu, Maui Tax Map Key (TMK):(2) 4-2-004:062. The property is owned by Maui Land and Pineapple Company, Inc. (MLP) and lies within the Limited subzone of the Conservation District.

This after the fact CDUA is part of the resolution of enforcement action MA 13-23. The subject of this application is a 10-foot wide, 100-foot long concrete driveway; rockwalls on both sides of the driveway; two rock columns, a wooden gate at the driveway entrance and landscaping. The prior adjacent landowner encroached upon MLP's property and created a rockwall and driveway without authorization sometime prior to 2000. When Mr. Engel acquired the adjacent property, he cleaned up the property, obtained an easement from MLP and made improvements to the driveway and entrance area also without authorization.

The subject property is undeveloped and consists of primarily introduced flora and fauna. There are no known rare, endangered or threatened species observed on the property. There are no features indicating surface water or wetlands.

A cultural impact analysis has been prepared. No cultural resources, i.e. medicinal plants, shoreline resources, religious sites were identified in the project area.

After reviewing the application, the Department finds that:

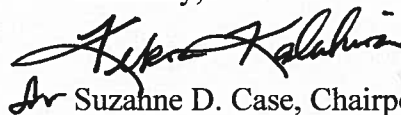
1. The proposed use is an identified land use in the Resource subzone of the Conservation District, pursuant to §13-5-22, Hawaii Administrative Rules (HAR), P-8 STRUCTURES AND LAND USES, EXISTING (C-1) Moderate alteration of existing structures, facilities, uses, and equipment. Please be advised, however, that this finding does not constitute approval of the proposal;
2. Pursuant to §13-5-40, HAR, a Public Hearing is not required; and
3. In conformance with Chapter 343, Hawai'i Revised Statutes (HRS), as amended, the Hawai'i Administrative Rules, §11-200-8, and the Exemption List for the Department of Land and Natural Resources, exemption class 4 Minor alterations in the conditions of land, water, or vegetation; and exemption class 6 Construction or placement of minor structures accessory to existing facilities, the proposed use is exempt.

Please be informed that, compliance with the provisions of Hawaii's Coastal Zone Management law (Chapter 205A, HRS) that pertain to the Special Management Area (SMA) requirements administered by the County is required. Negative action on this application can be expected should you fail to obtain and provide us, at least thirty (30) days prior to the 180-day expiration date as noted on the first page of this notice, one of the following from the County:

1. An official determination that the proposal is exempt from the provisions of the county rules relating to the SMA;
2. An official determination that the proposed development is outside the SMA; or
3. An SMA Use Permit for the proposed development.

Upon completion of the application review process, your CDUA will be reviewed by the Chairperson for consideration after reviews and evaluations of the proposal have been made. Should you have any questions regarding this application, please contact Tiger Mills of our Office of Conservation and Coastal Lands at (808) 587-0382.

Sincerely,



Suzanne D. Case, Chairperson  
Board of Land and Natural Resources

c: Maui Land and Pineapple  
Maui Board Member  
OHA/OEQC  
MDLO/DOCARE/HPD  
County of Maui, Planning Dept.  
Lahaina Public Library